

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-22 are presently active in this case. The present Amendment amends Claims 1-16 and 18-20; and adds new Claims 21-22 without introducing any new matter.

The outstanding Office Action rejected Claim 19 under 35 U.S.C. §112, second paragraph, as indefinite. Claims 1-4, 6-11, and 13-20 were rejected under 35 U.S.C. §103(a) as unpatentable over Anderson et al. (“Replication, Consistency, and Practicality: Are These Mutually Exclusive?”, SIGMOD Conference, Pgs. 484-495; 1998 ACM, hereinafter “Anderson”) in view of Lindblad et al. (U.S. Patent Publication No. 2004/0060006, hereinafter “Lindblad”). Claims 5 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Anderson in view of Lindblad, further in view of Broderson et al. (U.S. Patent Publication No. 2003/0105782, hereinafter “Broderson”).

In response to the rejection under 35 U.S.C. §112, second paragraph, Claim 19 is amended to recite “an attribute sharing unit configured to share an attribute with a documents control apparatus,” thereby deleting the claim wording referring to “another” document apparatus. The change is believed to be merely formal in nature and does not raise a question of new matter. In view of amended Claim 19, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

Claims 1-16 and 18-20 are amended to correct minor formalities and to better comply with U.S. claim drafting practice. Since the changes are merely formal in nature, these changes are not believed to raise a question of new matter.

Claim 1 is amended to recite features regarding the documents controlling unit, the attribute attaching unit, and the item type defining unit for clarification, these features being previously recited in dependent Claim 7. Consequently, these features are deleted from dependent Claim 7. Independent Claims 19 and 20 are amended to recite an analogous feature in the context of a computer readable recording medium (Claim 19) and a method of controlling an attribute of a document (Claim 20).

To vary the scope of protection recited in the claims, new Claims 21-22 are added. New Claim 21 recites “a graphical user interface configured to display the attributes and the attribute item types for manual modification of the attribute items types,” and finds non-limiting support in Applicant’s disclosure as originally filed, for example at page 16, lines 11-16 and in Figures 1 and 3. Therefore, the changes to the claims are not believed to raise a question of new matter.¹

In light of the amendments to the independent claims, Applicant respectfully requests reconsideration of the rejection of Claims 1-4, 6-11, and 13-20 under 35 U.S.C. §103(a), and traverses the rejection, as discussed next.

Briefly recapitulating, Claim 1 relates to a documents control apparatus that can share with another documents control apparatus an attribute attached to a document. The document control apparatus includes, *inter alia*: a documents controlling unit configured to control documents; an attribute attaching unit configured to attach the attribute to each document controlled by the documents controlling unit, the attribute including an item type, a name of said item type, and an item type value; and an *item type defining unit configured to assign one or more item types to the attribute* attached to each document by the attribute attaching unit.

¹ See MPEP 2163.06 stating that “information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter.”

As explained in Applicant's specification at page 7, lines 13-20, Claim 1 improves upon background document control apparatuses, because it can allow the user to edit the document attribute with the sharing relationship sustained or prohibits the user from performing edit in which the sharing relationship is lost based on whether the document attribute is shared.

Turning now to the applied references, Anderson describes protocols that can be used for the management of replicated data in a distributed data base.² Anderson also explains that "for each data item, there is a unique site, called the primary site, that is responsible for updates of the data item."³ However, Anderson fails to teach or suggest an item type defining unit configured to assign one or more item types to the attribute attached to each document. The outstanding Office Action confirms that Anderson fails to teach or suggest such a feature.⁴

The outstanding Office Action also cites Lindblad, and asserts that Lindblad teaches such a feature at page 3, in paragraphs 45 and 52.⁵ In paragraph 52, however, Lindblad explains that "[d]ocument nodes may be inserted or deleted. Nodes may be element nodes, attribute nodes, text nodes, processing instruction nodes or comment nodes." Reading Lindblad in this passage, a person of ordinary skill in the art would understand that Lindblad describes an attribute node can be inserted or deleted for updating an XML document. Such teaching on adding a node to an XML document *does not read upon* an item type defining unit *configured to assign one or more item types* to said attribute attached to each document by said attribute attaching unit. The mere adding of an XML node does not assign any item types.

² See Anderson at page 484, column 1, first and second paragraphs.

³ See Anderson at page 485, column 1, paragraph 5, lines 4-6.

⁴ See the outstanding Office Action from page 7, line 17, to page 8, line 2.

⁵ See the outstanding Office Action from page 8, line 18, to page 9, line 5.

In addition, the outstanding Office Action has used the same passage of Lindblad to form a rejection against another element of Claim 1, namely the attribute attaching unit configured to attach said attribute to each document controlled by said documents controlling unit, recited in Claim 1. Even if Lindblad's updating of a node would read upon an attribute attaching unit, Lindblad still fails to teach or suggest that an attribute attaching unit configured to attach said attribute to each document *controlled by said documents controlling unit*. Applicant thereby submits that the outstanding Office Action bivocally used Lindblad's node updating to reject two claimed elements of dependent Claim 7, thereby disregarding their functions and interrelationships.

Accordingly, the outstanding Office Action seems to use improper hindsight by rejecting Appellants' claims by constructing a solution based on the teachings of Applicant's claims. See In re Lowry, 32 F.3d 1579, 1583, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) to recite “[t]o establish a *prima facie* case of obviousness, the burden of establishing the absence of a novel, nonobvious functional relationship rested with the Patent and Trademark Office,” and “[t]he claimed invention involved an organization of information and its interrelationships that the prior invention neither disclosed nor suggested.” See also Monarch Knitting Mach. Corp. v. Sulzer Morat Gmbh, 139 F.3d 877, 880, 45 USPQ2d 1977, 1981 (Fed. Cir. 1998) “[d]efining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness.”

Therefore, even if the combination of Anderson and Lindblad is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach the item type defining unit of Claim 1. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.⁶

⁶ See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Regarding the references Broderson, used by the outstanding Office Action to form a 35 U.S.C. rejection, this reference does not remedy the deficiencies of Anderson and Lindblad, as discussed above. Broderson describes a method of managing a database, wherein a transaction in a local data base of a workgroup user client 310 is performed, and thereby creates a file with a log of these transactions, also on the workgroup user client 310. The file is subsequently used to update a workgroup database.⁷ However, Broderson fails to teach or suggest the item type defining unit of Claim 1. Even if *in arguendo* Broderson could be combined with either Anderson and Lindblad, the combination fails to teach all the elements of Applicant's independent Claim 1.

Independent Claims 19-20 recite features analogous to the features recited in independent Claim 1. Moreover, Claims 19-20 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicant respectfully submits that the rejections of Claims 19-20, and all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 1.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-22 is earnestly solicited.

⁷ See Broderson in the Abstract.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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